

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION**

<p>LARRY HEARD, professionally known as “Mr. Fingers” and ROBERT OWEN,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>TRAX RECORDS, INC., PRECISION/TRAX RECORDS, an entity of unknown legal origins, RACHEL SHERMAN née RACHAEL CAIN p/k/a SCREAMIN’ RACHAEL, doing business as SCREAMING RACHAEL CAIN MUSIC and TRAX RECORDS, and JOHN DOES 1-10,</p> <p style="text-align: center;">Defendants.</p>	<p>Civil No. 1:20-cv-03678 (SJC)(SRH)</p> <p>Honorable Sharon Johnson Coleman</p> <p>(Honorable Magistrate Sunil R. Harjani)</p> <p style="text-align: center;"><b><u>PLAINTIFFS’ CERTIFICATE OF COMPLIANCE</u></b></p>
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Plaintiffs, by and through their undersigned attorneys, respectfully submit the following relating to their compliance with certain discovery obligations.

1. On September 8, 2021 (Dkt. No. 59), the Court entered an order concerning the parties’ respective motions to compel the production of documents. In that order, the court noted as follows: “In addition, if a party claims to have produced all documents in their possession, custody or control in response to a document request, it shall file a certificate of compliance pursuant to FRCP 11 by 9/17/21.” (Dkt. #59.)

2. Defendants cited the two categories of documents from their Requests for Production of Documents (an “RFP”) in their motion to compel. The first is as follows:

**RFP No. 1.** All communications between Plaintiffs and Larry Sherman, Trax Records and/or Rachael Cain regarding the Precision/Trax Documents.

3. Plaintiffs hereby certify that they have produced all non-privileged communications that are responsive to RFP No. 1. Plaintiffs initially searched their records in

June 2021 when the RFPs were served. All responsive communications located were included in their initial document production on July 12, 2021 (Heard-Owens Bates Nos. 000138-000161). Plaintiffs conducted a second search in mid-September 2021. Plaintiffs' counsel contacted Rene Gelston, who has acted as manager of Plaintiff Larry Heard for many years, and requested he perform a search of his files. Mr. Gelston located responsive communications, which I then produced to Defendants' counsel on September 1, 2021 (Bates Nos. Heard-Owens [Bates 100230-000267]). Plaintiffs have not found any responsive "communications" beyond those already produced on July 12, 2021 and September 1, 2021.

4. The second RFP was as follows:

**RFP No. 8.** Each agreement with a Performance Rights Organization ("PRO") (including, without limitation, ASCAP, BMI and SESAC) that governed public performance income generated by any Musical Compositions and Sound Recordings.

5. Plaintiffs hereby certify that they have produced all non-privileged communications in their possession, custody or control that are responsive to RFP No. 8. Plaintiffs do not have copies of any agreements with Performance Rights Organizations.

Dated September 20, 2021

Respectfully submitted,

By: /s/Robert S. Meloni  
Robert S. Meloni, *pro hac vice*  
3 Columbus Circle – 15<sup>th</sup> Floor  
New York, New York 10019

-and-

LEVENFELD PEARLSTEIN, LLC  
By: /s/ Christopher M Heintskill (ARDC No. 6272391)  
2 North LaSalle, 13th Floor  
Chicago, IL 60602

*Attorneys for Plaintiffs Larry Heard and Robert Owens*

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document was filed electronically on this September 20, 2021 and, as such, served on the following counsel of record via electronic service:

Richard P. Darke, Esq.  
Rosanne Ciambrone, Esq.  
Duane Morris LLP  
190 South LaSalle Street, Suite 3700  
Chicago, IL 60603-3433

Dated: September 20, 2021September 20, 2021

s/ Robert S. Meloni  
Robert S. Meloni